

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**UNITED STATES OF AMERICA**

\*

**CRIMINAL NO: 13-227**

**v.**

\*

**SECTION: "B"**

**JEREMIAH JACKSON**

\*

\* \* \*

**FACTUAL BASIS**

Should this matter proceed to trial, the United States would prove beyond a reasonable doubt, through credible testimony and reliable evidence, the following facts. Unless stated otherwise, these acts occurred in the Eastern District of Louisiana:

Special Agents from the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") began an investigation into the Frenchmen/Derbigny gang, or "FnD," in approximately March 2013. The investigation concerned federal firearm and narcotics violations. In the course of this investigation, ATF agents learned that **JEREMIAH JACKSON, a/k/a "Rocky," ("JACKSON")** was a member of FnD. The leader of FnD was Travis Scott. Other FnD members include Stanley Scott, Shawn Scott, Akein Scott, Crystal Scott, Brian Benson, Gralen Benson, Richmond Smith, and others. During the course of the conspiracy, FnD members sold heroin, crack cocaine, marijuana, and other illegal drugs near the intersection of Frenchmen and North Derbigny Streets in New Orleans. FnD members often sold drugs in the Frenchmen Meat Market, a convenience store located at the corner of Frenchmen and North Derbigny Streets.

FnD, including its leadership, membership, and associates, constituted an "enterprise," as defined by Title 18, United States Code, Section 1961(4), that is, a group of individuals associated-in-fact. FnD constituted an ongoing organization whose members functioned as a

continuing unit for a common purpose of achieving the objectives of the enterprise. This enterprise was engaged in, and its activities affected, interstate and foreign commerce. The conspiracy extended from prior to June 26, 2006, continuing through on or about March 10, 2014. During the course of the conspiracy, the members of FnD engaged in numerous racketeering acts in furtherance of the enterprise.

A principal objective of FnD was to obtain as much money and things of value as possible through the trafficking of controlled substances, including cocaine base ("crack cocaine"), heroin, and marijuana. It was further an objective of the enterprise to threaten violence and to commit acts of violence, for the following purposes, among others: enriching the members and associates of the enterprise through, among other things, the illegal distribution of controlled substances in the territory controlled by the enterprise; preserving and protecting the power, territory and profits of the enterprise through the use of intimidation, violence, and threats of violence; promoting and enhancing the activities and authority of the enterprise and its members and associates; keeping rivals, victims, and witnesses in fear of the enterprise and its members; providing financial support and information to members and associates of the enterprise; providing assistance to members and associates of the enterprise in order to avoid detection and apprehension by law enforcement.

Under Travis Scott's leadership, FnD controlled an area bounded by Elysian Fields Avenue, North Johnson Street, the I-10 Interstate Highway, St. Anthony Street, and North Claiborne Avenue. FnD members used violence and intimidation to maintain control of this area in furtherance of FnD's illegal drug distribution activities. Cooperating witnesses would testify that no other individuals could sell illegal drugs in that neighborhood without the permission of Travis Scott and FnD members. Travis Scott would direct members of FnD to commit crimes of violence against rival gang members in order to preserve FnD's control over

the neighborhood. FnD's rival gangs included the Prieur Columbus Boys ("PCB"), the 110ers, and other gangs. FnD members stored firearms at several abandoned houses near the intersection of Frenchmen and N. Derbigny Streets.

Cooperating witnesses would testify that FnD members Stanley Scott, Shawn Scott, Akein Scott, **JEREMIAH JACKSON**, Richmond Smith, Gralen Benson, Brian Benson, Crystal Scott, and other FnD members sold heroin, crack cocaine, and other illicit drugs in the FnD territory. These witnesses would identify the Frenchmen Meat Market, located at Frenchmen and N. Derbigny Streets, as the hub of FnD's illegal drug distribution activities. The witnesses would testify that the store workers would allow customers to exchange food stamps (in the form of electronic benefit transfer (EBT) cards) for cash. Some customers would then use that cash to buy illegal drugs from FnD members. During the course of the conspiracy, FnD members distributed over one kilogram of heroin and over 280 grams of cocaine base (crack cocaine).

**JACKSON** began associating with the FnD gang approximately in 2007. **JACKSON** initially sold crack cocaine in and around the Frenchmen Meat Market. He eventually began assisting Travis Scott in selling heroin. **JACKSON** committed acts of violence in furtherance of the drug conspiracy and the racketeering enterprise.

On April 16, 2011, at approximately 12:46 p.m., New Orleans Police Department (NOPD) Officer Kenneth Gill was dispatched to a report of a victim with a gunshot wound to the stomach. The victim, D.A., was found at 2056 N. Prieur Street, New Orleans, with a gunshot wound to the stomach. D.A. reported that two unknown black males approached him and began shooting at him while he sat in his car. NOPD officers were unable to identify the shooters at the time. However, officers did recover a total of nineteen 9mm shell casings from the scene.



On or about July 19, 2011, at 7:35 p.m., two New Orleans Police Department (“NOPD”) officers James Terrell and Kamil Kuczek observed **JACKSON** concealing a firearm while walking on the sidewalk of Frenchmen Street near North Claiborne Street in New Orleans. The officers were in a fully marked NOPD cruiser. The officers requested that **JACKSON** stop walking. **JACKSON** looked at the officers and immediately ran towards the rear of a store near N. Claiborne and Frenchmen Streets. Officers observed **JACKSON** pull a black and silver handgun from his waistband and throw the gun behind the store. **JACKSON** continued to flee on foot. Officers arrested **JACKSON** shortly thereafter in an alley behind a bar on North Claiborne Street. **JACKSON** was read his *Miranda* rights and agreed to speak with officers. He stated that he had the firearm because he lived in a bad neighborhood and was afraid of being shot. **JACKSON** stated that he bought the firearm from a friend, but he would not identify the friend for the officers. While Officer Kuczek was placing **JACKSON** into the NOPD cruiser after booking, Officer Kuczek observed a plastic bag fall out of **JACKSON**’s pant leg. The plastic bag contained 19 smaller individual bags containing brownish-colored powder. The substance subsequently tested positive for the presence of heroin and weighed approximately 2.22 grams. The firearm was also recovered and determined to be a Ruger model P95 semiautomatic pistol bearing serial number 316-62806.

The NOPD Crime Lab performed ballistics analysis of the Ruger pistol that was recovered in **JACKSON**’S possession on July 19, 2011. The ballistics analysis was entered into the National Integrated Ballistic Information Network (NIBIN). The result was a potential match with seven of the 9mm casings that were recovered from the scene of the shooting of D.A. on April 16, 2011. NOPD Crime Lab Firearms Examiner Meredith Acosta subsequently performed a ballistics analysis between the Ruger pistol and the seven recovered 9mm casings.

Firearms Examiner Acosta confirmed the match, determining that the seven 9mm casings were fired by the Ruger pistol recovered by **JACKSON**.

ATF agents interviewed D.A. and presented him with a total of eight photographic lineups. One of the lineups including a photograph of **JACKSON** and five other individuals with similar appearance. D.A. looked at all of the lineups and selected **JACKSON'S** photograph, stating that **JACKSON** was one of the individuals who shot him on April 16, 2011. D.A. initialed the photograph of **JACKSON**. ATF agents further learned through cooperating witnesses that D.A. was shot because he lived near a rival drug dealer of FnD. D.A. also resided in the neighborhood controlled by FnD. Cooperating witnesses stated that D.A. was victim of the shooting because he resembled the rival drug dealer, and therefore was shot because he was mistaken for the rival drug dealer.

On June 7, 2012, **JACKSON** was convicted of possession of heroin and illegal possession of a firearm arising from his arrest on July 19, 2011. He pleaded guilty in Orleans Parish Criminal Court, Case No. 507-809 "H," and was sentenced to prison. On or about April 1, 2013, **JACKSON** was released from prison. He returned to selling heroin in the Frenchmen and N. Derbigny area with other members of the FnD gang. At that time, Travis Scott was the primary distributor of heroin in that area. Travis Scott, however, moved to Missouri to reside while regularly returning to New Orleans to sell heroin.

On August 20, 2013, ATF agents executed a search warrant at 1641 Frenchmen Street, the Frenchmen Meat Market. During that search, agents seized a surveillance video tape. The tape shows that between August 16 and August 20, 2013, members of the FnD gang are present inside the store every day. FnD members Travis Scott, Gralen Benson, **JEREMIAH JACKSON**, Brian Benson, Richmond Smith, and Crystal Scott can be seen conversing with

each other, making numerous hand-to-hand transactions, directing customers to each other, and using drug “stash” inside and outside of the store. Travis Scott conducts approximately 20-30 hand-to-hand transactions per day while he is in the store. The surveillance video also shows customers using EBT cards to exchange food stamps for cash from store workers, and then several customers used that cash to buy drugs from FnD members. **JACKSON** appears on the surveillance video numerous times between August 16th and August 20th. The video shows **JACKSON** making multiple hand-to-hand drug sales to customers inside the store while other FnD members are present.

In one instance from the Frenchmen Meat Market surveillance video, on August 16, 2014, Travis Scott and **JACKSON** are seen talking to each other in the store. **JACKSON** then runs outside in the rain across the street from the Frenchmen Meat Market to a stash location. **JACKSON** returns a minute later and hands several small objects to a man waiting in the store next to Travis Scott. The small objects are packaged in a manner consistent with street-level packaging for heroin and crack cocaine.

The video surveillance also shows that on August 20th, **JACKSON** walks behind the store counter and makes contact with a store worker. **JACKSON** then walks out of the store. Minutes later, federal agents executed the search warrant and discovery two firearms behind the store counter. Cooperating Witness #2 (CW#2) would testify that he/she saw **JACKSON** hand a handgun to the store worker when **JACKSON** walked behind the store counter, and that this handgun was one of the firearms recovered by federal agents in the store. Cooperating Witness #3 (CW#3) would testify that **JACKSON** held the gun for his protection while selling drugs and that FnD members stashed firearms behind the store counter when selling drugs for safekeeping.



In the course of this investigation, federal agents seized a cell phone from Daniel Jackson, a known FnD associate. Located on the phone was a video of **JACKSON** and another FnD member. In the video, **JACKSON** is seen boasting about making money from drug sales. Both **JACKSON** and the other FnD member brag about “FnD” while holding cash. They state that they make their money daily at “the store,” referencing the Frenchmen Meat Market which is shown in the background of the video. Both **JACKSON** and the other FnD member discuss “toting ratchets,” i.e., guns, and making “20 racks,” i.e., \$20,000, from drug sales. **JACKSON** also speaks about FnD members who are either incarcerated or deceased.

At trial, the Government would call witnesses who would testify regarding **JACKSON’S** role in the conspiracy. The following is a summary of some of the testimony that would be elicited at trial:

CW#2 would testify that he/she knows **JACKSON** to be a member of FnD, and he/she has seen **JACKSON** selling drugs at the Frenchmen Meat Market.

CW#3 would testify that **JACKSON** is a member of FnD, and **JACKSON** is Travis Scott’s brother-in-law. CW#3 would also identify **JACKSON** by his nickname, “Rocky.” CW#3 would testify that **JACKSON** assisted Travis Scott in selling heroin. Also, CW#3 knows **JACKSON** to frequently carry a handgun with him while he is selling heroin in the Frenchmen Meat Market, and that **JACKSON** was an enforcer for FnD.

Cooperating Witness #4 (CW#4) would likewise identify **JACKSON** and his known nickname, “Rocky.” CW#4 would testify that **JACKSON** is a known member of FnD, and that **JACKSON** sold heroin and crack cocaine for Travis Scott in the vicinity of the Frenchmen Meat Market. CW#4 would testify that **JACKSON** was known as an enforcer for FnD.

Cooperating Witness #5 (CW#5) would testify that he/she has seen **JACKSON** with numerous handguns. CW#5 observed **JACKSON** selling heroin at the store 6-7 days per week in 2013. CW#5 would testify that he/she bought heroin from **JACKSON** on at least two occasions.

Cooperating Witness #6 (CW#6) would testify that he/she has seen **JACKSON** make numerous hand-to-hand drug transactions inside the Frenchmen Meat Market. CW#6 would testify that **JACKSON** and other members of FnD would hide drugs in magnetic key boxes underneath shelves in the store.

Based on **JACKSON'S** participation in FnD from 2006 through 2014, as outlined in this document, the Government and **JACKSON** agree and stipulate for the purposes of sentencing that the Government could prove that **JACKSON** was responsible for between 1 kilogram and 3 kilograms of heroin that was distributed during the course of the conspiracy as a result of his own direct conduct and the reasonably foreseeable conduct of his co-conspirators in furtherance of the conspiracy. The amounts of crack cocaine, marijuana and other drugs that were involved in this conspiracy were negligible for sentencing purposes as to **JACKSON**.

**JACKSON** further stipulates that he has previously been convicted of a felony drug offense. On June 7, 2012, in the Criminal District Court for Orleans Parish, State of Louisiana, **JACKSON** pleaded guilty in Case No. 507-809 "H" to possession of heroin, a violation of Louisiana Revised Statutes Section 40:966(C)(1), and punishable by a term of imprisonment exceeding one year.



Limited Nature of Factual Basis

This proffer of evidence is not intended to constitute a complete statement of all facts known by **JEREMIAH JACKSON** and described by **JEREMIAH JACKSON** to the Government, but rather is a minimum statement of facts intended to prove the necessary factual predicate for the guilty plea. The limited purpose of this proffer is to demonstrate that there exists a sufficient legal basis for **JEREMIAH JACKSON'S** plea of guilty to the charged offenses.

 5/13/2015  
Matthew Payne (Date)  
Assistant United States Attorney

\_\_\_\_\_  
Brian C. Ebarb (Date)  
Special Assistant United States Attorney

\_\_\_\_\_  
Bruce Whittaker (Date)  
Counsel for Jeremiah Jackson

\_\_\_\_\_  
Jeremiah Jackson (Date)  
Defendant